Before the

Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Lucia Mar Unified School District	)	File Nos. SLD-249712, 252218,
Arroyo Grande, California	)	253047
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

ORDER

Adopted: May 14, 2003   **Released: May 15, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Lucia Mar Unified School District (Lucia Mar), Arroyo Grande, California, seeks review of three January 22, 2003 decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[1] For a review of decisions by SLD issued on or after August 13, 2001, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision date.[2] Here, Lucia Mar filed its appeal on April 16, 2003, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

2. To the extent that Lucia Mar additionally asks us to waive our rules in this instance, we deny its request.[3] Lucia Mar states that the delay resulted from its attempts to understand the appeals process.[4] Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.[5] Given the thousands of applications SLD processes each year, it is administratively

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[1] Letter from Becca Carsel, Lucia Mar Unified School District, to Federal Communications Commission, filed April 16, 2003 (Request for Review); Letters from the School and Libraries Division, Universal Service Administrative Company, to Jon Hitchen, Lucia Mar Unified School District, dated January 22, 2003; 47 C.F.R. § 54.719(c).

[2] 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).
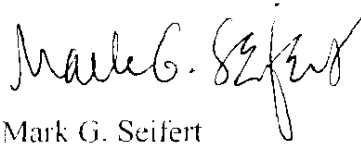
[3] 47 C.F.R. § 54.720(b).

[4] Request for Review.

[5] 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

necessary to place the burden of meeting deadlines on the applicants.[6] As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.[7]

3.   ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by Lucia Mar Unified School District, Arroyo Grande, California on April 16, 2003 IS DISMISSED, and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

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[6] See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

[7] See, e.g., Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).